

1 Robert B. Hawk (Bar No. 118054)
2 Stacy Hovan (Bar No. 271485)
3 HOGAN LOVELLS US LLP
4 4085 Campbell Avenue, Suite 100
5 Menlo Park, California 94025
6 Telephone: + 1 (650) 463-4000
7 Facsimile: + 1 (650) 463-4199
8 robert.hawk@hoganlovells.com
9 stacy.hovan@hoganlovells.com

6 Attorneys for Defendant
APPLE INC.

7 [additional counsel listed on signature page]

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

13 MARC OPPERMAN, et al.,

14 Plaintiffs,

15 v.

16 PATH, INC., et al.,

17 Defendants.

Case No.: 13-cv-00453-JST

**JOINT STIPULATION AND
[PROPOSED] ORDER EXTENDING TIME
TO FILE DECLARATION IN SUPPORT OF
ADMINISTRATIVE MOTIONS TO SEAL
(ECF NOS. 798, 800, 801)**

THE HONORABLE JON S. TIGAR

THIS DOCUMENT RELATES TO CASES:

Opperman v. Path, Inc., No. 13-cv-00453-JST
Hernandez v. Path, Inc., No. 12-cv-1515-JST
Pirozzi v. Apple, Inc., No. 12-cv-1529-JST

1 WHEREAS on August 23, 2016, Plaintiffs filed two motions for class certification (ECF
2 Nos. 799 and 802) and related Administrative Motions to File Under Seal (ECF Nos. 798, 800,
3 and 801);

4 WHEREAS Civil L.R. 79-5(e) requires a supporting declaration to be filed within four (4)
5 days of the filing of an Administrative Motion to Seal;

6 WHEREAS, in light of the volume of materials filed, Apple requested that Plaintiffs
7 stipulate to additional time for Apple to review the materials, determine what qualifies for
8 sealing, and submit a supporting declaration;

9 WHEREAS Plaintiffs have agreed to Apple's request;

10 IT IS HEREBY STIPULATED by and between Plaintiffs and Defendant Apple Inc.
11 ("Apple"), pursuant to Civil L.R. 6-2, to request that the Court grant a brief extension of
12 four (4) days for Apple to file a declaration in support of the Administrative Motions to File
13 Under Seal filed on August 23, 2016. Accordingly, the deadline for filing a supporting
14 declaration is extended to September 2, 2016.

15 Respectfully submitted,

16 Dated: August 26, 2016

KERR & WAGSTAFFE LLP

17 By: */s/ Michael von Loewenfeldt*
18 James M. Wagstaffe (95535)
19 Michael von Loewenfeldt (178665)
20 Daniel J. Veroff (291492)
21 KERR & WAGSTAFFE LLP
22 101 Mission Street, 18th Floor
23 San Francisco, CA 94105
24 Tel.: 415-371-8500
25 Fax: 415-371-0500
26 wagstaffe@kerrwagstaffe.com
27 mvl@kerrwagstaffe.com

28 David M. Given
Nicholas A. Carlin
PHILLIPS, ERLEWINE, GIVEN & CARLIN LLP
39 Mesa Street, Ste. 201
San Francisco, CA 94129
Tel: 415-398-0900
Fax: 415-398-0911
dmg@phillaw.com
nac@phillaw.com

Interim Co-Lead Counsel for Plaintiffs

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Carl F. Schwenker (admitted *pro hac vice*)
LAW OFFICES OF CARL F. SCHWENKER
The Haehnel Building
1101 East 11th Street
Austin, TX 78702
Tel: 512-480-8427
Fax: 512-857-1294
cfslaw@swbell.net

Plaintiffs' Liaison Counsel

Jeff Edwards (admitted *pro hac vice*)
EDWARDS LAW
The Haehnel Building
1101 East 11th Street
Austin, TX 78702
Tel: 512-623-7727
Fax: 512-623-7729
cfslaw@swbell.net

Jennifer Sarnelli
GARDY & NOTIS, LLP
501 Fifth Avenue, Suite 1408
New York, NY 10017
Tel: 212-905-0509
Fax: 212-905-0508
jsarnelli@gardylaw.com

ATTORNEYS FOR OPPERMAN PLAINTIFFS

Dated: August 26, 2016

HOGAN LOVELLS US LLP

By: /s/ Robert B. Hawk
Robert B. Hawk
Stacy Hovan
HOGAN LOVELLS US LLP
4085 Campbell Ave., Suite 100
Menlo Park, CA 94025
Tel.: 650.463.4000
Fax: 650.463.4199
robert.hawk@hoganlovells.com
stacy.hovan@hoganlovells.com

Clayton C. James
HOGAN LOVELLS US LLP
1200 Seventeenth Street, Suite 1500
Denver, CO 80202
Tel: 303.899.7300
Fax: 303.899.7333
clay.james@hoganlovells.com

ATTORNEYS FOR DEFENDANT APPLE INC.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I attest that concurrence in the filing of this document has been obtained from the other signatories listed above.

Dated: August 26, 2016

Hogan Lovells US LLP

By: /s/ Robert B. Hawk
Robert B. Hawk

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF ROBERT B. HAWK

I, Robert Hawk, hereby declare as follows:

I am a partner at the law firm of Hogan Lovells US LLP, counsel for Apple Inc. (“Apple”) in this action. I am a member in good standing of the State Bar of California, and I am admitted to practice before this Court. I have personal knowledge of the matters stated in this declaration.

1. On August 23, 2016, Plaintiffs filed two motions for class certification (ECF Nos. 799 and 802) and related Administrative Motions to File Under Seal (ECF Nos. 798, 800, and 801).

2. On August 26, 2016, I contacted Plaintiffs’ counsel Michael von Loewenfeldt to request that Plaintiffs stipulate to additional time for Apple to review the materials, determine what qualifies for sealing, and submit a supporting declaration. Mr. Loewenfeldt agreed to Apple’s request for additional time.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed in Menlo Park, California on August 26, 2016.

/s/ Robert B. Hawk
Robert B. Hawk


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROPOSED ORDER

Pursuant to the stipulation of the parties and good cause appearing, the stipulation is hereby granted in this matter. Defendant Apple Inc. shall file any declaration(s) in support of the Administrative Motions to File Under Seal filed on August 23, 2016 (ECF Nos. 798, 800, and 801) no later than September 2, 2016.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: August 26, 2016



The Honorable Jon S. Tigar
United States District Judge